

WD 31
RECEIVED

JUN 17 2009

DEPARTMENT OF
WATER RESOURCES

8 June, 2009

Mr. David R. Tuthill Jr., Director
Idaho Dept. of Water Resources
322 East Front St.
Boise, ID 83720

Dear Mr. Tuthill:

We, the undersigned, are property owners in the Flying Heart Ranch subdivision numbers I and II, located in Blaine County approximately one mile north of Hailey, Idaho. We are writing this letter to request that you and your department initiate an investigation into a problem that has plagued us for a numbers of years, namely the unnatural impoundment of water on property presently owned by Mrs. Charles Peebler, consisting of lot numbers 17, 25 and 29 in the aforementioned subdivisions. As far as we are aware, there exists no water right granting Mrs. Peebler the right to impound water on her property for the purpose of creating ponds. Furthermore, this situation has caused a back up of unnatural standing water to adjacent properties, and has caused damage to the lakes downstream by impeding free flowing water to these lakes which are located in the common area of the Flying Heart Ranch subdivision.

Although there can be no doubt that beaver activity is partially responsible for this situation, it is our opinion that at least some of the existing beaver dams owe their origin to unauthorized human alterations of the stream, a fact that was witnessed some years ago by watermaster Reid Newby, since deceased, as well as hydrologist Charles Brockway, of Brockway Engineering, Twin Falls, Idaho. In addition, we believe that the existing dams have, from time to time, been reinforced, also by human action. Personnel employed by a company named Alpine Aquatics, of Hailey, have been observed wading in the ponds on the Peebler property doing work of an unknown nature. Even discounting the human factor, we note that there is a statute on the books of the State of Idaho which specifies that beaver dams, if deemed to be causing damage to property and/or interfering with existing water rights, may be removed by the Idaho Dept. of Water Resources in coordination with the Department of Fish and Game. Since the problem of unnatural impoundment of water is causing a health hazard by creating breeding grounds for mosquitos, affecting the health of the lakes in the common area and causing flooding on adjoining properties, we believe there exist legitimate reasons for breaching at least some of the dams located on the Peebler property. We also draw your attention to the fact that we have located an aerial photograph of the Flying Heart subdivision which dates back to 1992, a photograph that shows no standing water or ponds on that property.

It is our belief that this situation, if allowed to continue, will only deteriorate, and needs to be addressed before the backup of standing water causes more damage to adjacent properties and

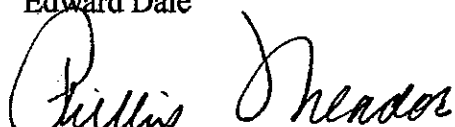
SCANNED
JUN 23 2010

the further degradation in the health of the lakes of the common area. We look forward to your department taking the necessary steps to investigate this situation, and, subsequently, taking the appropriate action to rectify the problem. Thanking you in advance for your prompt attention to this matter, we remain

Sincerely yours,



Edward Dale



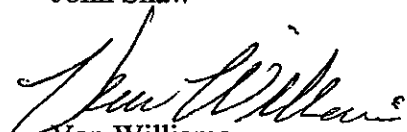
Phillip Meador



Kristin Orr



John Shaw



Van Williams



David Yashak



Thomas Perakos



Edward Sheue

CC:

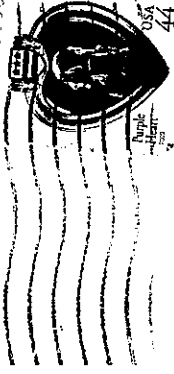
Tim Luke

Allen Merritt

Edward Lawson

Debra Kronenberger

137 Aspen Lakes DR
Hailey, ID 83333



RECEIVED

JUN 17 2009

DEPARTMENT OF
WATER RESOURCES

To:

Mr. Tim Luke
Idaho Dept. of Water Resources
322. E. Front St.

Boise, ID. 83720-0098

8372030098 8900

